

# ORION NEW ZEALAND LTD

## Notice of Requirement: Kimberley Zone Substation

Site Address: 3792 West Coast Road, Darfield

Date: 8 April 2020



Document Control				
Report Title		Notice of Requirement		
Client		Orion New Zealand Ltd	Client Contact/Approver	Tessa Sutherland
Rev	Date	Status	RMG Author	RMG Reviewer
1		Draft	Melanie Foote	Darryl Millar
2		Final Draft	Melanie Foote	
3	8 April 2020	Final	Melanie Foote	
Current Rev		3		

**Notice of Requirement: Kimberley Zone Substation**

**to**

**Selwyn District Council**

**Resource Management Group Limited**  
Level 4, 69 Cambridge Terrace  
PO Box 908  
Christchurch Box Lobby  
  
Christchurch 8140  
Phone (03) 943 4112

---

# NOTICE OF REQUIREMENT

## PURSUANT TO SECTION 168 OF THE RESOURCE MANAGEMENT ACT 1991

---

**To: SELWYN DISTRICT COUNCIL**

**From: ORION NEW ZEALAND LIMITED**

**Orion New Zealand Limited** is a Requiring Authority pursuant to Section 167 of the Resource Management Act 1991.

Orion New Zealand Limited gives notice to the Selwyn District Council of a Requirement to designate land within the District as an Electricity Substation.

**1. The site to which the requirement applies is as follows:**

**Name:** Kimberley Zone Substation

**Address:** 3792 West Coast Road, Darfield (adjoining Fonterra Dairy Processing Plant)

**Legal Description:** Lot 2 DP 456083 (See **Appendix One** for a copy of the Certificate of Title)

**Site Area:** 0.3617ha

The location of the site and the extent of the proposed designation are shown on the Plan contained in **Appendix Two**.

- 2. The nature of the proposed work and the nature of any proposed conditions:** Refer to the attached Notice.
- 3. The effect that the proposal will have on the environment and the ways in which any adverse effects will be mitigated:** Refer to the attached Notice.
- 4. Alternative sites, routes and methods considered:** Refer to the attached Notice.
- 5. The public work and designation are reasonably necessary for achieving the objectives of Orion because:** Refer to the attached Notice.
- 6. Consultation with parties likely to be affected:** Refer to the attached Notice.

Signed by the person authorised to sign on behalf of the person giving notice



---

Melanie Foote  
Senior Consultant Planner  
Resource Management Group Ltd  
On behalf of **Orion New Zealand Limited**  
8 April 2020

**Address for Service:**

**Orion New Zealand Limited**  
C/- Resource Management Group Limited  
PO Box 908  
Christchurch Box Lobby  
CHRISTCHURCH 8140

Attention: Melanie Foote

Phone: (03) 962 1738

Email: [melanie@rmgroup.co.nz](mailto:melanie@rmgroup.co.nz)

**Address for Client:**

**Orion New Zealand Limited**  
PO Box  
CHRISTCHURCH 8141

Attention: Tessa Sutherland

[Tessa.sutherland@oriongroup.co.nz](mailto:Tessa.sutherland@oriongroup.co.nz)

## CONTENTS

NOTICE OF REQUIREMENT FOR DESIGNATION .....	1
THE SITE TO WHICH THIS NOTICE OF REQUIREMENT RELATES.....	2
ASSESSMENT OF EFFECTS ON THE ENVIRONMENT.....	2
STATUTORY CONSIDERATIONS.....	3
CONSULTATION .....	7
CONCLUSION .....	7

Appendix 1:	Compter Freehold Register
Appendix 2:	Site Plan
Appendix 3:	Designation Table for Insertion

---

# Orion New Zealand Limited

## Notice of Requirement: Kimberley Zone Substation

---

### Background and Reasons

1. Orion New Zealand Limited (Orion) owns and operates the electricity distribution network between the Waimakariri and Rakaia Rivers, and supplies lines services to over 200,000 customers within the Selwyn District and Christchurch City. Orion's core purpose is to consistently deliver a safe, secure and cost-effective supply of electricity. Orion plays a central role in the electricity industry, providing both essential support and lifeline services.
2. Pursuant to Section 168 of the Resource Management Act 1991 (the Act), Orion gives notice of its requirement for the site described above to be designated within the Proposed Selwyn District Plan as part of the Selwyn District Plan Review process. The site is not currently designated in the operative District Plan. The designation will be for 'Electricity Substation' purposes (the notation). The designation notation for this site is aligned with Orion's existing designations in the operative Christchurch District Plan and as is sought to be rolled into the proposed Selwyn District Plan by Orion in its recently supplied clause 4 designation notice. The details of the designation sought is as follows:

Purpose	Site Name	Location	Legal Description	Planning Map	Operative District Plan Underlying Zone
Electricity Substation	Kimberley Zone Substation	3792 West Coast Road, Darfield.	Lot 2 DP456083	X	Rural Plains Outer

3. The substation currently exists on site and it is noted that no works are proposed as part of this Notice. Future works will be managed under outline plan process pursuant to section 176A of the Act. Orion considers that designating this site will provide more certainty with regard to long term planning and will allow for a consistent planning approach across its operational geographic area within Christchurch City and Selwyn District.
4. A site plan showing the existing substation and the spatial extent of the designation sought is contained in **Appendix Two**.

5. The following resource consents relate to the site:

- R115261 (2011) – Discretionary activity consent to erect a substation involving storage of hazardous substances.

## The Site and Surrounding Environment

6. The site is located at 3792 West Coast Road, Darfield adjoining the Fonterra Dairy Processing Plant. Located on site are the following:

- Substation building with associated equipment, outdoor switchyard (with a chip sealed surface), associated equipment and banded transformers.
- Existing boundary fence and inner restricted security fence to prohibit unauthorised access.
- Existing chip sealed access and parking on site.
- Existing landscaping on the site.

7. With regard to the surrounding area the Fonterra Dairy processing plant is located immediately to the north adjoining the site and to the east and west over 200m away are residential dwellings. The site is located approximately 400m off the West Coast Road and is accessed from an internal road to the Fonterra dairy processing plant.

## Description of Proposed Activity

8. The proposed designation is to formalise an existing substation. Refer to the site plan contained in **Appendix Two** for a plan showing the extent of the site.

9. No new works are currently proposed as part of this Notice. Should this Notice be confirmed, and future works be proposed, these will be addressed via the Outline Plan procedures contained in s176A of the Act. This is discussed further below.

10. The substation forms an integral part of the electricity supply network, distributing electricity to the Fonterra Dairy processing plant principally.

11. The following componentry is located on the site:

- Substation building with associated equipment;
- Outdoor switchyard (with a chip sealed surface), associated equipment and banded transformers;
- Security fence;
- Existing landscaping.
- Lighting
- Substation identification signage and other safety related signage

## **Access and Parking**

12. Vehicle access comprises an existing formed and sealed access located approximately 400m from West Coast Road on an internal road to the Fonterra Dairy Processing Plant. This provides access to onsite so Orion staff and contractor vehicles are not required to park on the road.

## **Landscaping and Fencing**

13. There is existing landscaping around the perimeter of the site. Existing fencing comprises: an existing boundary fence along with an inner restricted area security fence to restrict access.

## **Staffing**

14. The site is not permanently staffed. It is visited generally every 23 months for scheduled inspection and maintenance purposes by Orion staff and contractors. These visits generally occur during the hours of 8am-5pm. The site will also be visited by Orion staff and contractors on a demand basis where required including in the event of an emergency.

## **Ongoing works**

15. The designation regime of the Act recognises that sites and activities subject to a confirmed Notice of Requirement may continue to change and develop in response to demand and/or changed circumstances. Although no further development of this site is proposed in the near future, any such works will be considered by the Council via the Outline Plan process of the Act. Section 176A of the Act places a statutory duty on Requiring Authorities to submit Outline Plan to territorial authorities for projects or works proposed on designated sites and such plans must show:
  - The height, shape and bulk of the public work, project, or work;
  - The location on the site of the public work, project or work; and
  - The likely finished contour of the site; and
  - The vehicular access, circulation, and the provision for parking; and
  - The landscaping proposed; and
  - Any other matters to avoid, remedy, or mitigate any adverse effects on the environment.
16. After considering an Outline Plan, the Territorial Authority is able to request changes. A right of appeal to the Environment Court exists should the Requiring Authority decline to make the changes sought.
17. The Outline Plan process enables a Territorial Authority to better ascertain the nature of the future development, which may not be known at the time a Requirement (such as this) is sought. More importantly, it prescribes a process to ensure that any adverse effects are addressed. The Outline Plan procedure provides a process and a level of assessment and control which ensures the effects of the development are considered on a case by case basis, rather than within the context of a set of broad-brush plan rules which may not be appropriate to the particular land use and setting.



# Assessment of Effects on the Environment

18. This section considers the relevant effects that may result from the proposed designation and this includes the following:

- Noise;
- Parking and access;
- Landscape and visual effects;
- Electromagnetic fields (EMF);
- Effects on Social-Economic and Cultural Wellbeing.

## Noise

19. There are no effects associated with construction noise as the substation is already located on the site. In terms of operational noise, there will be no change from existing levels resulting from the proposal to designate the site. Most equipment is located within the existing building on site. Should any development be proposed in the future then issue relating to noise generated from such proposals can be addressed as part of the Outline Plan process.

## Parking and Access

No changes are proposed to the parking and access arrangement on site. Access to the site is existing from the internal access road to the Fonterra dairy processing plant from West Coast Road. The accessway is chip-sealed along with a parking area on the site.

## Landscape and Visual Impacts

20. The visual effects of the substation already exist on site. Should any further development be proposed in the future, any additional visual effects resulting from this will be addressed as part of the Outline Plan process. It is noted there is existing landscaping around the perimeter of the site that provides some screening of the site.

## Electromagnetic Fields (EMF)

21. As the substation is existing and no works are proposed in association with this notice, there will be no change to the EMF levels generated from the substation.

## Socio-Economic and Cultural Wellbeing

22. Utilities form an essential part of community infrastructure. The Kimberley Zone Substation provides for electricity distribution principally for the Fonterra plant and the community which supports the general socio-economic and cultural wellbeing of the community. The designation of the substation will provide for greater certainty in this respect,

## Effects Conclusion

23. The designation of the site will secure the ongoing operation of the Kimberley Zone substation and wider electricity distribution network. This will result in positive effects associated with socio-economic and cultural wellbeing of the community. The nature and scale of building and activity on the site are well established, and no new works are proposed in association with this Notice. Any future works at the site will be considered through an Outline Plan process.
24. The site was developed in accordance with a resource consent. Given this, it is therefore considered that any adverse effects arising from the facility are acceptable. Within this context, it can be concluded that no adverse effects will result from the proposal that require mitigation by way of additional conditions or controls attached to the designation.

## Statutory Considerations

### Introduction

25. Section 171(1) of the Act sets out that when considering a Notice, a Territorial Authority must, subject to Part 2, consider the effects on the environment of allowing the requirement, having particular regard to:
- Policy Statements and Plans;
  - Alternate sites, routes or methods;
  - Whether the work and designation are reasonably necessary;
  - Other matters.
26. The balance of this Notice considers the matters requiring consideration under section 171 of the Act.

### Policy Statements and Plans

27. Section 171(1)(a) requires consideration of the relevant provisions of national policy statements, NZ coastal policy statement, regional policy statement, plan or proposed plan.
28. There are no national policy statements relevant to this proposal. Similarly, given the location of this site, the NZ Coastal Policy Statement has no application. This leaves consideration of the Canterbury Regional Policy Statement, Canterbury Regional Council Regional Plans and the Selwyn District Plan.

### Canterbury Regional Policy Statement (CRPS)

29. The CRPS provides for a strong emphasis to be placed on regionally significant infrastructure, which includes the electricity distribution network. Chapter 5 – Land Use and Infrastructure is applicable. The following policies are relevant from Chapter 5:

#### 5.2.2

#### *Integration of land-use and regionally significant infrastructure (Wider Region)*

#### *In relation to the integration of land use and regionally significant infrastructure:*

1. *To recognise the benefits of enabling people and communities to provide for their social, economic and cultural well-being and health and safety and to provide for infrastructure that*

*is regionally significant to the extent that it promotes sustainable management in accordance with the RMA.*

2. *To achieve patterns and sequencing of land-use with regionally significant infrastructure in the wider region so that:*
  - a. *development does not result in adverse effects on the operation, use and development of regionally significant*
  - b. *adverse effects resulting from the development or operation of regionally significant infrastructure are avoided, remedied or mitigated as fully as practicable.*
  - c. *there is increased sustainability, efficiency and liveability.*

#### 5.3.9

##### *Regionally significant infrastructure (Wider Region)*

*In relation to regionally significant infrastructure (including transport hubs):*

1. *avoid development which constrains the ability of this infrastructure to be developed and used without time or other operational constraints that may arise from adverse effects relating to reverse sensitivity or safety;*
2. *provide for the continuation of existing infrastructure, including its maintenance and operation, without prejudice to any future decision that may be required for the ongoing operation or expansion of that infrastructure; and*
3. *provide for the expansion of existing infrastructure and development of new infrastructure, while:*
  - a. *recognising the logistical, technical or operational constraints of this infrastructure and any need to locate activities where a natural or physical resource base exists;*
  - b. *avoiding any adverse effects on significant natural and physical resources and cultural values and where this is not practicable, remedying or mitigating them, and appropriately controlling other adverse effects on the environment; and*
  - c. *when determining any proposal within a sensitive environment (including any environment the subject of section 6 of the RMA), requiring that alternative sites, routes, methods and design of all components and associated structures are considered so that the proposal satisfies sections 5(2)(a) – (c) as fully as is practicable.*

The Notice is considered to be consistent with the CRPS, as it contributes towards providing for a reliable and resilient electricity distribution network.

## Regional Plans

30. The Canterbury Land and Water Regional Plan (LWRP) do not contains any specific provisions relating to infrastructure, or any other provisions applicable to this Notice.

## Selwyn District Plan

31. The site is located within the Rural Outer Plain zone of the Selwyn District Plan. The relevant planning map is contained in **Appendix Three**.

Part 5 of the Selwyn District Plan is specific to utilities in rural zones. Utilities are defined as follows:

*Utility:*

*includes the use of any structure, building or land for any of the following purposes:*

- (a) The generation, transformation and/or transmission of energy;*
- (b) Any telecommunication facility or telecommunication line;*
- (c) Any radio communication facility;*
- (d) The conveyance, storage, treatment or distribution of water for supply, including (but not limited to)*

*irrigation and stockwater;*

*(e) The drainage, reticulation or treatment of stormwater, waste water or sewage;*

*(f) Transportation infrastructure, including (but not limited to) roads, accessways, railways, airports and navigational aids;*

*(g) Work to mitigate potential natural hazards, including (but not limited to) stopbanks, groynes and gabions; or*

*(h) Meteorological facilities for the observation, recording and communication of weather information.*

32. Part 5 of the District plan also includes rules specific to utilities. It is noted that the establishment of the substation and construction of the transformers on site was in accordance with a resource consent so was not a permitted activity.
33. The Selwyn District Plan contains objectives and policies relating to utilities. Those relevant to this Notice and the Kimberley Zone Substation are as follows:

*Objective B2.2.1*

*Utilities are recognised as essential tools for people's economic and social well-being, and to mitigate effects of other activities, on the environment.*

*Objective B2.2.2*

*The provision of utilities where any adverse effects on the environment and on people's health, safety and wellbeing is managed having regard to the scale, appearance, location and operational requirements of utilities.*

*Policy B2.2.2*

*Ensure provision is made for the ongoing maintenance and repair of utilities which are not vested in the Council, and that the users of these utilities are informed of any responsibility they have for ongoing maintenance or repair.*

*Policy B2.2.3*

*Avoid potential reverse sensitivity effects of activities on the efficient operation development, use and maintenance of established utilities.*

*Policy B2.2.5(a)*

*Avoid siting utility structures or buildings on hilltops in the margins of lakes or rivers or in areas identified as outstanding natural features and landscapes, sites with special cultural values (Silent File Areas, Wāhi Taonga Sites and Management Areas or Mahinga Kai Sites) or Heritage Sites in the Plan, unless operational necessity makes this impractical.*

*Policy B2.2.5(b)*

*Where not practical mitigate any adverse effects of the utility, and of any access road or ancillary features, on the landscape values of the area.*

*Policy B2.2.6*

*Require utility structures to be made of low reflective materials.*

*Policy B2.2.7*

*Encourage the co-siting of utilities, where practical.*

*Policy B2.2.9*

*Encourage utilities located in road reserves to be installed, maintained and replaced with minimal adverse effects on traffic safety or flow.*

*Policy B2.2.10*

*Enable the provision of utility networks that serve extensive areas to be located in rural areas*

*commensurate with operational requirements.*

34. The general premise of the above objectives and policies recognise the essential nature of the utilities and the 'public good' which results from their provision. This is balanced, however, with the recognition of the need to ensure the resulting environmental effects are acceptable. Preceding assessments have determined that this will be the case, given, the substation existing already on the site and no new works are proposed.
35. Overall, it is concluded that this Notice is not inconsistent with the objectives and policies of the Selwyn District Plan.

### **Alternate Sites, Routes or Methods**

36. Section 171(1)(b) reads:

*'Whether adequate consideration has been given to alternative sites, routes, or methods of undertaking the work if*

- (i) the requiring authority does not have an interest in land sufficient for undertaking the work; or*
- (ii) it is likely that the work will have a significant adverse effect on the environment.'*

37. The Kimberley Zone Substation is an existing substation, on land owned by Orion. The preceding effects assessment has concluded that the nature of any actual or potential effects are existing, and certainly any adverse effects could not be categorised as "significant". Within this context, it is not necessary to consider alternative sites, routes or methods.

### **Reasonably Necessary**

38. Section 171(1)(c) reads:

*'whether the work and designation are reasonably necessary for achieving the objectives of the requiring authority for which the designation is sought.'*

39. In this case the work (establishment of a substation) has already occurred, and this Notice seeks to designate an existing site.
40. It is considered that the designation, as a planning tool, is reasonably necessary to assist Orion in achieving their core purpose to consistently deliver safe a, secure and cost-effective supply of electricity.
41. The alternatives to a designation are:
- a. Reliance on the District Plan rules
  - b. Resource consent
42. The District Plan rules and the consent process do not provide a long-term planning tool to effectively and efficiently address the ongoing operation and any potential future development of the site.
43. There are also process and efficiency issues associated with the alternatives to a designation. As noted earlier, Orion's network is located across two districts, with differing plan provisions. The designation and Outline Plan process provide for a uniform planning regime across the Districts, notwithstanding the differences between the District Plans.

## Other Matters

44. Section 171(1)(d) reads:

*‘any other matter the territorial authority considers reasonably necessary in order to make a recommendation on the requirement.’*

45. There are no other matters considered reasonably necessary to make a decision on this Notice.

## Consultation

46. Orion has undertaken preliminary consultation regarding the Notice with Selwyn District Council. No other consultation has been undertaken on the basis that the activity already exists on the site and there is, therefore, no change in effects from those which currently exist.

## Conclusion

47. Orion gives notice of its requirement to designate land containing the Kimberley Zone Substation. The designation is for ‘Electricity Substation’ purposes and will provide for ongoing administration of the site and its relationship with the wider electricity distribution network. No works are proposed in association with this Notice.

48. The preceding assessment of effects concludes that the effects associated with this designation exist at the site, and no additional adverse effects are anticipated. It is considered that the Notice and designation are not inconsistent with relevant statutory provisions.

49. The use of the designation as a planning tool is considered reasonably necessary to achieve Orion’s core purpose and, given Orion owns the land and as the designation is existing, it is not necessary to consider alternative sites, routes or methods.

50. Given this, it is considered that the designation and the Notice are consistent with the purpose and principles of the Act and should proceed.

## Appendix One: Certificate of Title



**RECORD OF TITLE  
UNDER LAND TRANSFER ACT 2017  
FREEHOLD  
Search Copy**



  
R.W. Muir  
Registrar-General  
of Land

**Identifier** **588218**  
**Land Registration District** **Canterbury**  
**Date Issued** 20 June 2013

**Prior References**

CB40A/348

---

<b>Estate</b>	Fee Simple
<b>Area</b>	3617 square metres more or less
<b>Legal Description</b>	Lot 2 Deposited Plan 456083

**Registered Owners**

Orion New Zealand Limited

---

**Interests**

Appurtenant hereto is a right of way, right to convey water and telephonic communications specified in Easement Certificate A241.6 - 22.6.1992 at 11:51 am

The easements specified in Easement Certificate A241.6 are subject to Section 243(a) Resource Management Act 1991

Land Covenant in Easement Instrument 8748984.1 - 23.6.2011 at 2:36 pm

Land Covenant in Easement Instrument 8748984.2 - 23.6.2011 at 2:36 pm

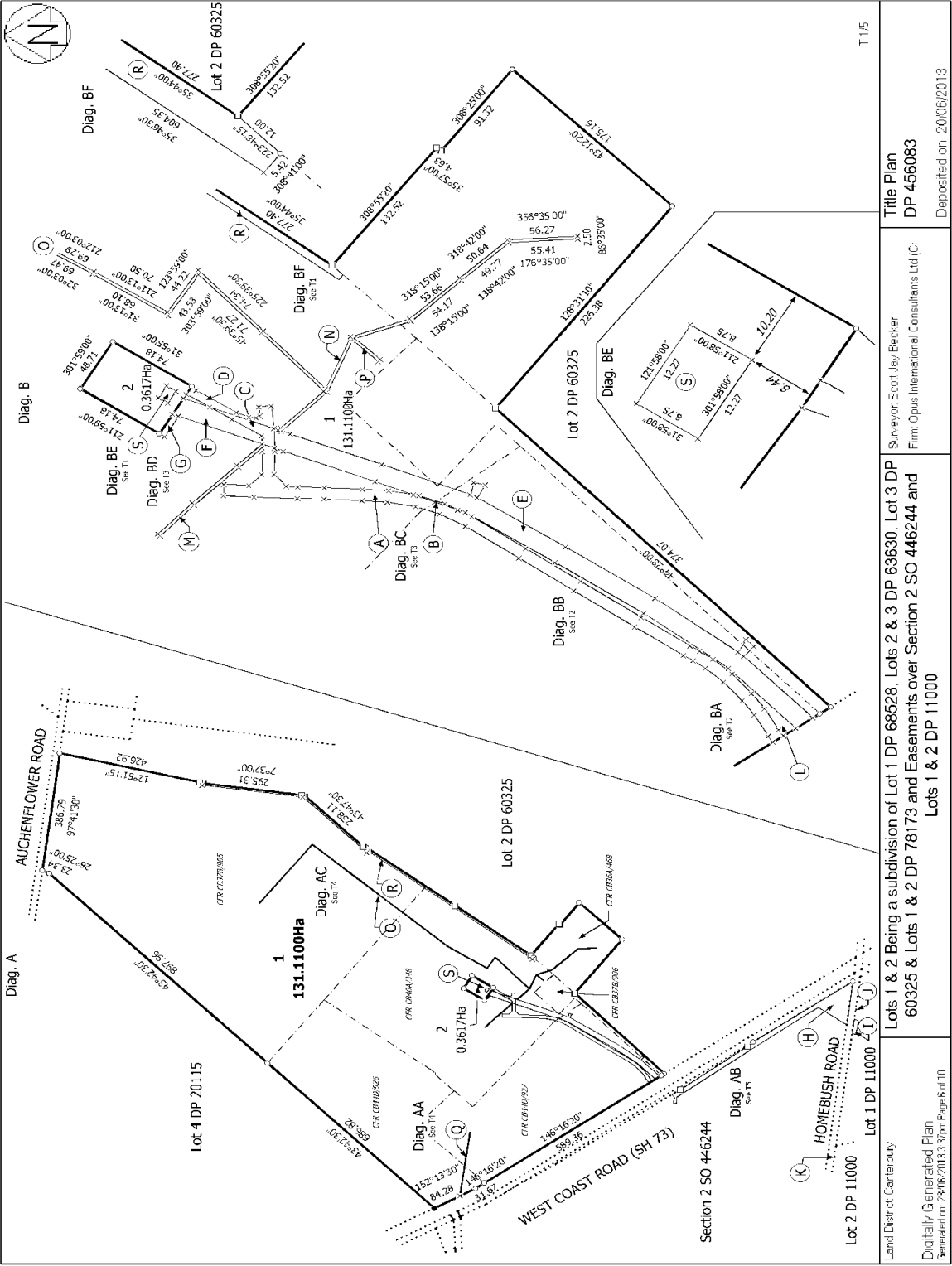
9430435.7 Consent Notice pursuant to Section 221 Resource Management Act 1991 - 20.6.2013 at 2:34 pm

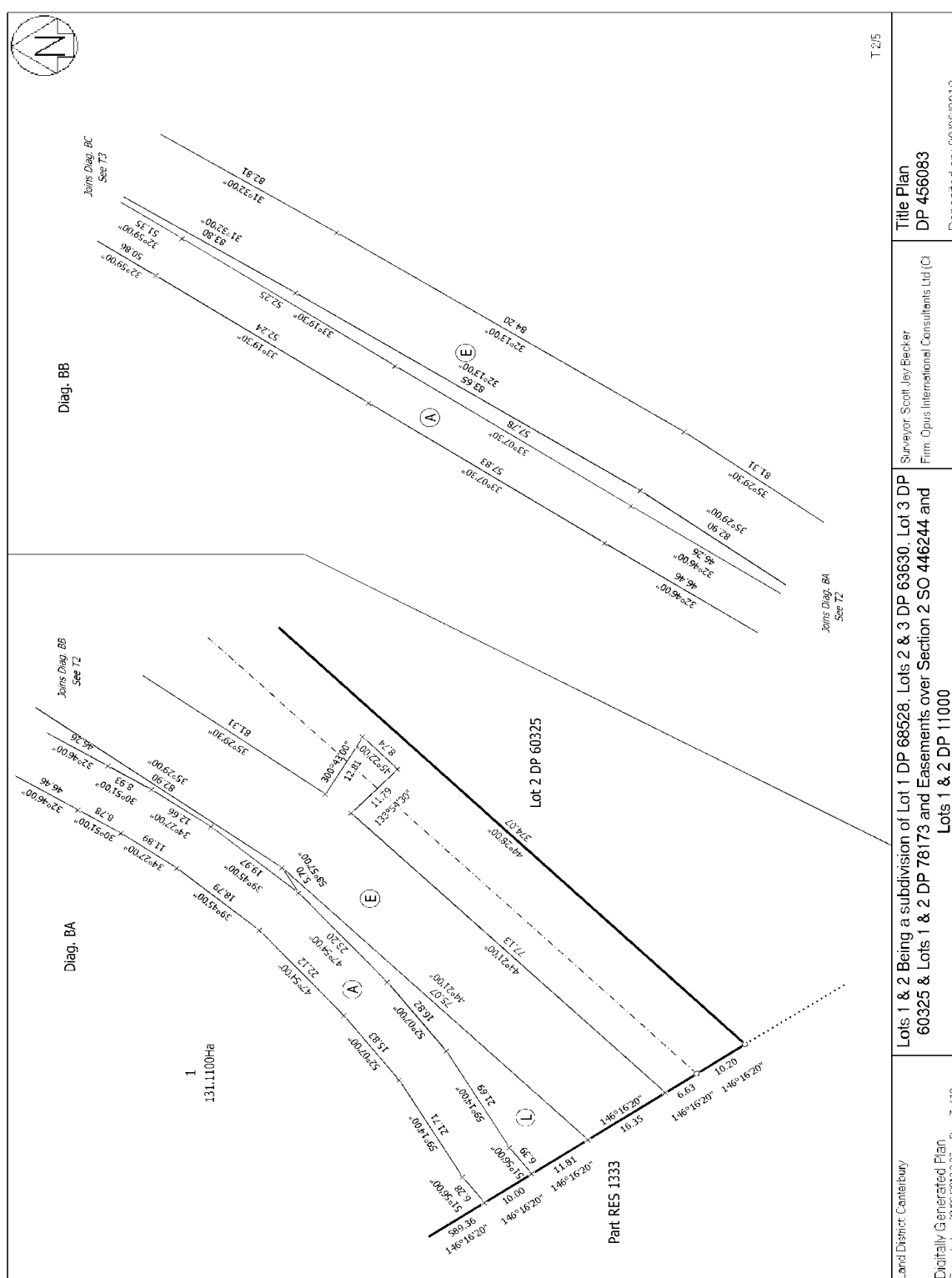
Appurtenant hereto is a right of way created by Easement Instrument 9430435.14 - 20.6.2013 at 2:34 pm

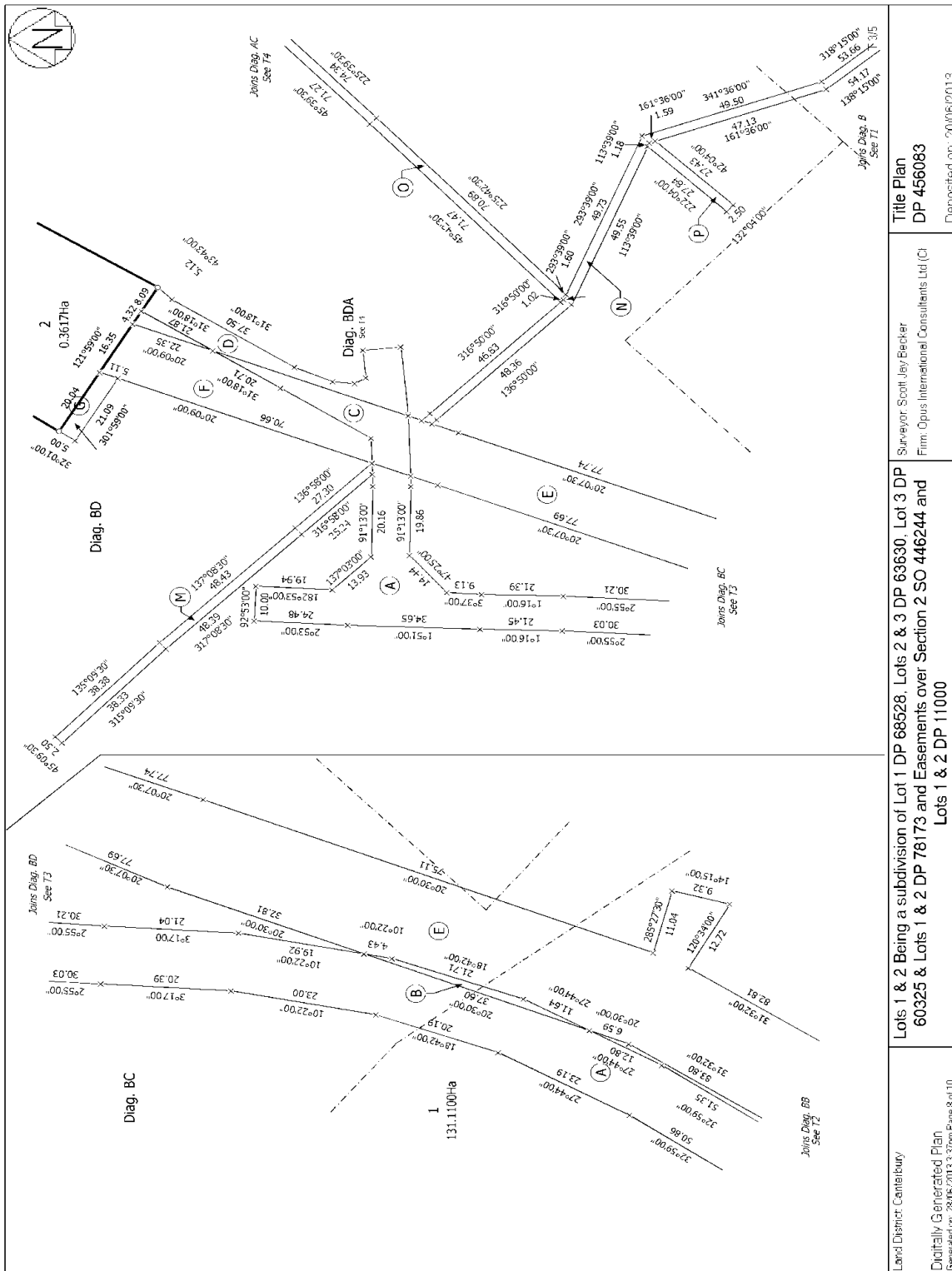
The easements created by Easement Instrument 9430435.14 are subject to Section 243 (a) Resource Management Act 1991

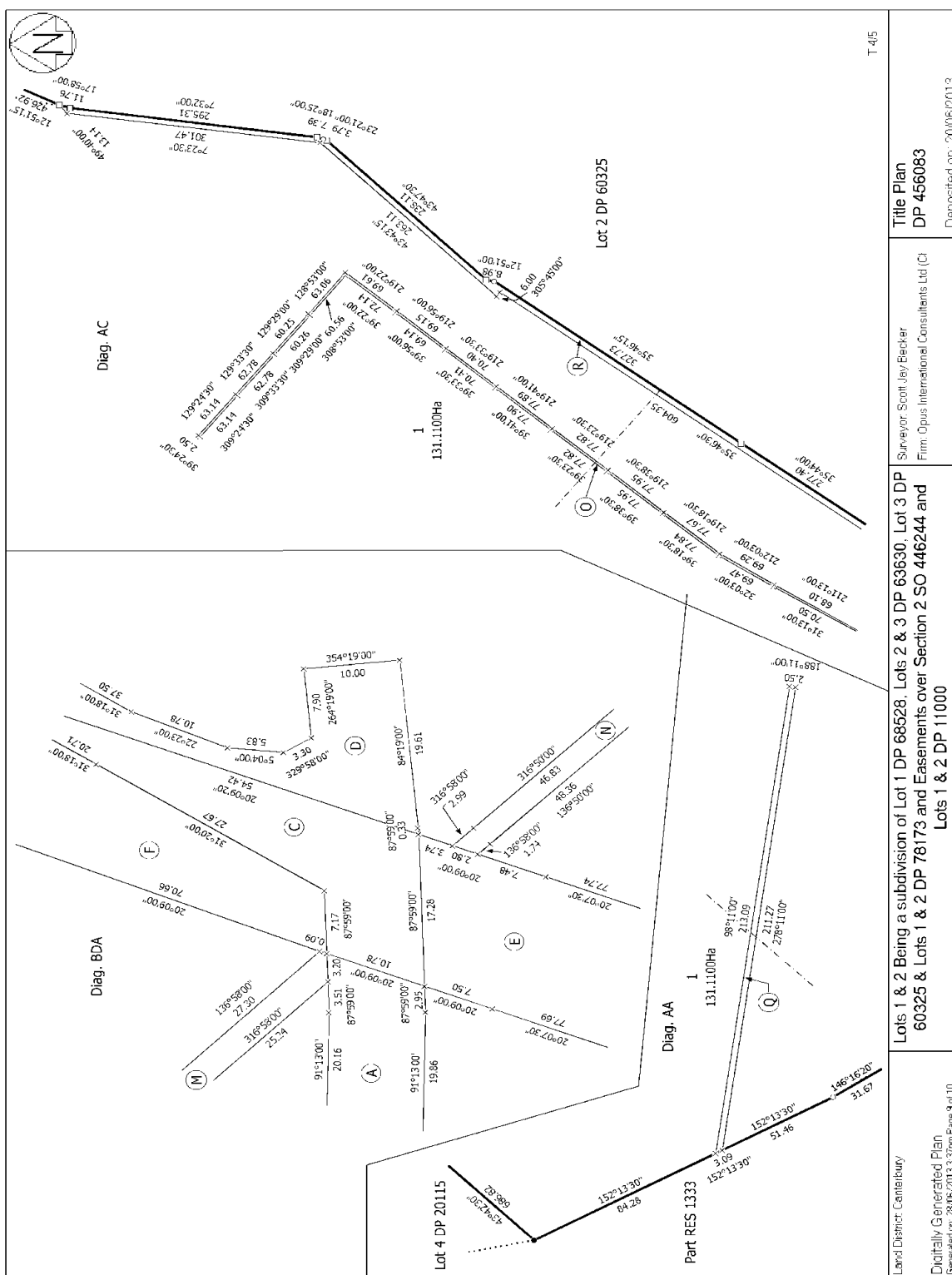
Subject to a right (in gross) to convey electricity and telecommunications over part marked S on DP 456083 in favour of Transpower New Zealand Limited created by Easement Instrument 9430435.16 - 20.6.2013 at 2:34 pm

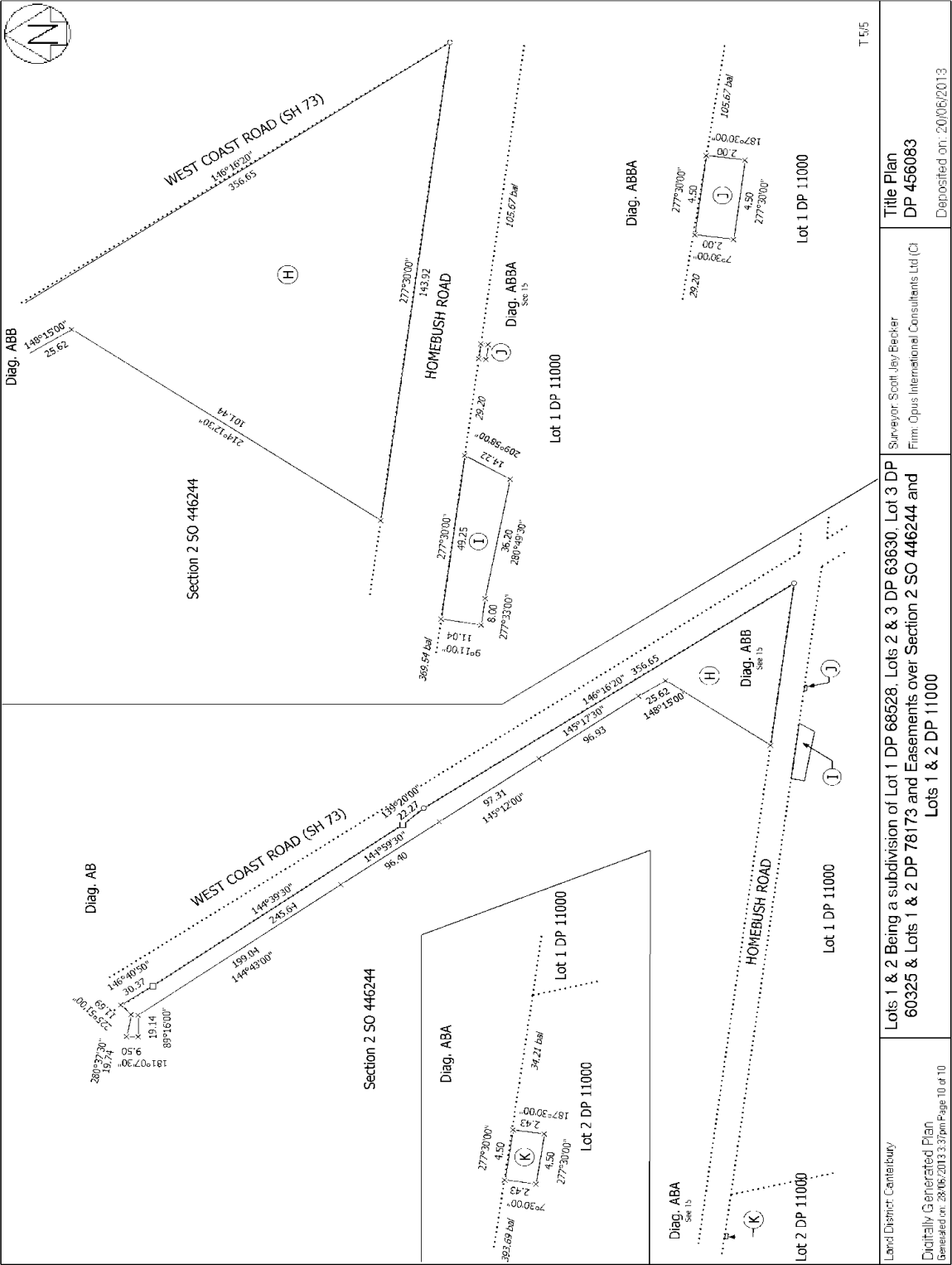












T 55

Land District: Canterbury	Surveyor: Scott Jay Becker Firm: Opus International Consultants Ltd (C)	Title Plan DP 456083
Lots 1 & 2 Being a subdivision of Lot 1 DP 68528, Lots 2 & 3 DP 63630, Lot 3 DP 60325 & Lots 1 & 2 DP 78173 and Easements over Section 2 SO 446244 and Lots 1 & 2 DP 11000		
Digitally Generated Plan Generated on: 28/06/2013 3:37pm Page 10 of 10		
Deposited on: 20/06/2013		



# View Instrument Details

**Instrument No.** 9430435.7  
**Status** Registered  
**Date & Time Lodged** 20 Jun 2013 14:34  
**Lodged By** Rhode, Melissa Terese  
**Instrument Type** Consent Notice under s221(4)(a) Resource Management Act 1991

*Toitu te*  
**Land whenua**  
**Information**  
New Zealand



---

Affected Computer Registers	Land District
-----------------------------	---------------

CB36A/468	Canterbury
CB37B/905	Canterbury
CB37B/906	Canterbury
CB40A/348	Canterbury
CB44D/926	Canterbury
CB44D/927	Canterbury

---

**Annexure Schedule:** Contains 1 Page.

---

## Signature

Signed by Lynden Ann Earl as Territorial Authority Representative on 06/06/2013 03:17 PM

\*\*\* End of Report \*\*\*



IN THE MATTER of the Resource Management  
Act 1991

AND

IN THE MATTER of Resource Consent 125079

**CONSENT NOTICE PURSUANT TO SECTION 221 RESOURCE MANAGEMENT ACT  
1991**

To: The District Land Registrar  
Canterbury Land Registration District

TAKE NOTICE that the land hereinafter described is subject to conditions in relation to a subdivision consent as follows:-

*"That this lot shall be used as a utility lot only, and may not be used for calculating future boundary adjustments or subdivisions and shall not be used for residential purposes."*

AND THAT you are hereby requested to register the same pursuant to Section 221 of the Resource Management Act 1991.

**DESCRIPTION OF LAND**

All that piece of land being Lot 2 DP 456083

DATED this 5h day of March 2013

SIGNED for and on behalf of  
**THE SELWYN DISTRICT COUNCIL**

                      Authorised Officer

## Appendix Two: Designation Site Plan





Lot 2 DP 456083

## Appendix Three: Designation Table for Insertion

### ORION-XX Kimberley Zone Substation

Kimberley Zone Substation	
Designation unique identifier	ORION-XX
Designation purpose	Electricity Zone Substation
Site identifier	3792 West Coast Road, Darfield Lot 2 DP 456083
Lapse date	
Designation hierarchy under section 177 of the Resource Management Act	Primary
Conditions	Nil
Additional Information	